

## **REMARKS**

Claims 1, 4-11 and 13-20 are now pending in the referenced application.

Claims 1,4-11 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. In particular, the Office Action stated that "Independent claims 1 and 13 are indefinite in that it is unclear how the reinforcement cords will stay in the desired orientation unless a step of cooling the thermoplastic so the cords stay in place". The Examiner suggested that claim 2 should be put into claim 1 and a similar recitation added to claim 13. Claim 1 and 13 has been amended as suggested and therefore the 112 rejection should be withdrawn.

Claims 1,2,4-11 and 13-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 09/510,859. The Office Action stated that "Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims and those of the copending application differ chiefly in exactly when the thermoplastic matrix is rendered plastic, and such is considered to have been obvious. I.e., whether the matrix is rendered plastic prior to the vulcanization (as in the instant) or after the tire has been at least partially vulcanized would have been an obvious feature either way. This is particularly so since when the instant tire starts to vulcanize, it would be partially vulcanized while the matrix remains thermoplastically deformable. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. A terminal disclaimer overcoming this provisional rejection is enclosed herewith and therefore the rejections of Claims 1,4-11 and 13-20 should be withdrawn.

Claims 1, 2, 4-11 and 13-20 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 09/511,546. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims and those of the copending application differ chiefly in exactly when the thermoplastic matrix is rendered plastic, and such is considered to have been obvious. I.e., whether the matrix is rendered plastic prior to the vulcanization (as in the instant) or after the tire has been vulcanized would have been an obvious feature either way. A terminal disclaimer overcoming this provisional rejection is enclosed herewith and therefore the rejections of Claims 1,4-11 and 13-20 should be withdrawn.

Claim 1 has been amended to include the step of cooling the thermoplastic matrix material to a temperature below the deflection temperature to render the thermoplastic matrix material non-plastic and thereby to restrict further reorientation of the one or more reinforcement cords subsequent to removing the tire from the tire mold. Accordingly, the 112 rejection should be withdrawn and claim 1 held allowable.

Claims 4-11 depend upon claim 1 and should also be allowable.

Claim 13 has been amended to include the step of cooling the thermoplastic matrix material to a temperature below the deflection temperature to render the thermoplastic matrix material non-plastic and thereby to restrict further reorientation of the one or more reinforcement cords subsequent to removing the tire from the tire mold. Accordingly, the 112 rejection should be withdrawn and claim 13 held allowable.

Claims 14-20 depend upon claim 13 and should also be allowable.

### **CONCLUSION**

No new matter is entered by this Amendment. Favorable re-examination and consideration are respectfully requested.

Respectfully submitted,



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